

PROCEEDINGS OF THE COMMON COUNCIL
IN REGULAR SESSION
TUESDAY , DECEMBER 9 19 86

CITY OF FORT WAYNE, INDIANA
JOURNAL OF THE PROCEEDINGS
OF THE COMMON COUNCIL

THE COMMON COUNCIL OF THE CITY OF FORT WAYNE MET IN THE
COUNCIL CHAMBERS Tuesday EVENING December 9 A.D., 19 86,
IN Regular SESSION. PRESIDENT Samuel J. Talarico
IN THE CHAIR, COUNCIL ATTORNEY Stanley A. Levine, AND
Sandra E. Kennedy CLERK, AT THE DESK, PRESENT THE FOLLOWING
MEMBERS _____ VIZ:

BRADBURY P, BURNS P, EISBART P,
GIAQUINTA _____, HENRY P, REDD P,
SCHMIDT P, STIER P, TALARICO P,

ABSENT: _____

COUNCILMAN: _____, _____, _____,

THE INVOCATION WAS GIVEN BY _____

THE MINUTES OF THE LAST REGULAR November 25, 19 86,

_____, 19,

SPECIAL December 2 & 2, 19 86,

SESSION HAVING BEEN DELIVERED TO THE COUNCIL, WERE, ON MOTION, APPROVED
AND PUBLISHED.

THE COUNCIL THEN ADJOURNED.

CERTIFICATE

I hereby certify that I am the duly elected, acting and incumbent City Clerk of Fort Wayne, Indiana and as such the custodian of the records of the Common Council of said City and that the above and foregoing is the true, full and complete record of the proceedings of the Common Council of the City of Fort Wayne, Indiana for its Regular Session, held on Tuesday the 9th day of December, 1986, that the numbered ordinances and resolutions shown therein were duly adopted by said Common Council on said date and were presented by me to the Mayor of the City of Fort Wayne and were signed and approved or disapproved by said Mayor as and on the dates shown as to each such ordinance and resolution respectively; and that all such records, proceedings, ordinances, and resolutions remain on file and record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this _____ day of _____, 19____,

SANDRA E. KENNEDY, CITY CLERK



The City of Fort Wayne

LAND USE MANAGEMENT

Division of Community Development & Planning

1 December 1986

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946). The proposed ordinance is designated as:

BILL NO. Z-86-10-14

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
1st day of December 1986.

Melvin O. Smith
Secretary

Division of Community Development & Planning

BRIEF TITLE

Zoning Map Amendment

APPROVAL DEADLINE

REASON

From R-1 to B-3-B

DETAILS

Specific Location and/or Address

Property to south of 5513 Illinois Road.

Reason for Project

Mini-storage units.

Discussion (Including relationship to other Council actions)

20 October 1986 - Public Hearing

Peter Mallers, attorney representing the petitioners, stated that the petition is for a tract of land that is adjacent to and south of 5513 Illinois Road. He stated that the applicants are Citizen's National Bank, title holders, and the prospective purchasers Gladieux Refinery. He stated that the petition requests a rezoning of 14.576 acres, however, the petitioners propose to use only 3.085 acres of the 14 acre tract for mini-warehouse storage units. He stated that the proposed use is subject to BZA approval. He stated that the petition was filed for the whole tract because to the rezoning granted to O'Daniel Oldsmobile which is directly to the west of the property. He stated however since the time of the filing of the petition, it was brought to their attention that the B-3-B approval for O'Daniel's entire tract was an error and a portion of the property to the south of that tract is to be reclassified to R-1. He stated that with this change in mind the Plan Commission staff has recommended that the petition be modified to reflect a B-1-B district with certain depth restrictions. He stated in order for them to then utilize it for mini-warehouses a Use Variance would have to be acquired from the BZA. He stated that the petitioners are willing to modify the petition in order to accommodate the staff recommendation. He stated the staff has recommended the property be divided in half, the west half being rezoned to a depth of 1101.75 feet from the centerline of Illinois Road and the east half not exceed a depth of 543 feet from the centerline. He stated that the petitioners have no particular problems with these depth restrictions but the width of the western half segment must be 255 feet in order to accommodate the planned usage. He stated it is a mere fraction but he stated he wanted to make sure it was noted to eliminate any technical problems. He stated that the petitioners are agreeable to perfected the request to a B-1-B and filing for a Use Variance. He stated that they acknowledge that the access to the mini-storage facility will be from the frontage road in front of the bank property. He stated that items 4, 5 & 6 of the staff recommendation involve landscaping requirements. He stated that although they will recognize landscaping would provide a buffer between our property and the residential neighborhoods, it has been their position that the distance involved between the storage facility and the neighborhood areas, is sufficiently great to assure that the development will not be offensive to the residential areas. He stated with that in mind they are

POSITIONS

RECOMMENDATIONS

Sponsor

City Plan Commission

Area Affected

City Wide

Other Areas

Applicants/
Proponents

Applicant(s)

Gladieux Refinery, Inc.

City Department

Other

Opponents

Groups or Individuals

Basis of Opposition

Staff
Recommendation☒ For☐ Against

Reason Against

Board or
Commission
Recommendation

By

☒ For☐ Against☐ No Action Taken
☐ For with revisions to conditions
(See Details column for conditions)

**CITY COUNCIL
ACTIONS**
(For Council
use only)
☐ Pass☐ Other☐ Pass (as amended)☐ Hold☐ Council Sub.☐ Do not pass

DETAILS

requesting the City Plan Commission not require the landscape screen at this time. He stated that they are willing to acknowledge and cooperate with any future request that landscaping screen be provided at such time as the remaining portion of the property, not being rezoned at this time, is rezoned, developed or sold. He stated that it was his understanding that the staff is willing to modify their recommendation to reflect this agreement. He stated that they are also requesting that the petitioners contribute to the cost of the improvements to the Lawrence Drain. He stated that the petitioners are willing to be responsible for those costs. He stated that the petitioners feel that the reclassification of the property to a B-1-B district with the depth restrictions, but without the landscaping requirements, is consistent with the development occurring in this area and with the Plan Commission policies.

Ben Eisbart stated that he had the understanding that the mini-warehouse operation would be built directly behind the Citizen's National Bank.

Mr. Mallers stated not directly behind the bank, but directly behind the bank's property.

Ben Eisbart questioned what the warehousing would use for access.

Mr. Mallers stated that they will have access along the west side of the bank from the access road in front of the bank. He stated that the bank has agreed to give access across their property.

Ben Eisbart questioned what the density would be for the warehousing project.

Mr. Mallers stated that of the 3 acre tract utilized for the facility is about 650 feet deep. He stated they will have 5 prefab steel structures with 42 individual units that are 10' x 10', and then five 30' x 210 units divided into storage units.

Jess Yoder asked if they had an agreement with the bank for the use of their property for access.

Mr. Mallers stated they are working on the agreement at this time. He stated they have consent from the bank for access they just do not have a formal written document yet.

Herman Friedrich questioned if there would be any trucks parked on the property.

Mr. Mallers stated not as far as he knew. He stated that he assumed the only truck traffic would be when people were coming in and out.

There was no one present who wished to speak in favor or in opposition to the proposed rezoning.

POLICY/ PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No	<input type="checkbox"/> Yes
Operational Impact Assessment		

(This space for further discussion)

27 October 1986 - Business Meeting

Recommendation to return the ordinance to the Common Council perfected to a B-1-B and with the attached conditions was made and approved.

Of the 8 members present 7 voted in favor of the conditional approval 1 did not vote.

The ordinance has been amended to reflect the B-1-B perfection as well as the altered size of the property. BZA approval has been obtained. The other conditions will be met when the structures are routed for a building permit.

Project Start

Date Sept. 19, 1986

Projected Completion or Occupancy

Date Dec. 1, 1986

Fact Sheet Prepared by

Patricia Biancaniello

Reviewed by

Jay Davis

Reference or Case Number

Date

Dec. 1, 1986

Change of Zone # 228

Proposal: Peter Mallers, attorney for the petitioner requests a change of zone from R-1 to B-3-B.

Location: 5500 Block of Illinois Road

It is the recommendation of the Site Committee to return the ordinance to the Common Council with a DO PASS recommendation contingent upon the developers satisfying the following conditions:

Conditions:

1. The west half of this rezoning petition not exceed a depth of 1101.75 feet from the centerline of Illinois Road and not exceed 255 feet in width. The east half of this petition not exceed a depth of 543 feet from the centerline of Illinois Road, and extend for the remaining width. A new legal description should be provided for the above constraints.
2. The change of zone be perfected to B-1-B. Under this zoning the storage facility would need a use variance from the Board of Zoning Appeals.
3. The access to this facility be from the frontage road in front of Citizens National Bank.
4. As the intended use will require approval of the Board of Zoning Appeals, we would recommend that the following conditions be considered for approval:

The petitioner should agree to meet the following requirements when the excluded property is either rezoned, or developed:

- a) Provide a 30 foot landscape screen along those lot lines that abut residential districts.
- b) The landscape screen shall be approved by CD&P prior to issuance of building permit.

c) Such landscape screen must be implemented within one planting season after the issuance of the occupancy permit.

5. Contribution to the cost of improvements of the Lawrence Drain is required.

Change of Zone # 228

Proposal: Peter Mallers, attorney for the petitioner requests a change of zone from R-1 to B-3-B.

Location: 5500 Block of Illinois Road

Legal: See file

Zoning: R-1

Land Area: Approximately 14.57 acres.

Surroundings:	North	B-1-B / County	Bank / commercial
	South	RA	Open and Residential
	East	R-1 & RA	Commercial & SFR
	West	B-3-B	Commercial & SFR

Reason for Request: Mini-warehouses (if approved by BZA)

Comprehensive Plan:

The General Land Use Policies of the Comprehensive Plan state that rezonings and development proposals should be compatible with existing land uses and should not establish an undesirable precedent in the area to be developed. The goal in the West Sector, where this request is located, is to contain urban growth within the urban service line.

Planning Staff Discussion:

This change of zone on Illinois Road is consistent with the policy of the Plan Commission that was established in July 1985.

However, the depth of the proposed change of zone far exceeds what the Commission had agreed would be acceptable while protecting the existing and future residential neighborhoods.

In June 1985 O'Daniel's requested a change of zone to B3B approximately 580 feet wide and 2700 feet deep, immediately to the west of this proposed rezoning. The planning staff initially recommended denial but took the matter under advisement upon the Commission's request for further study. In July the staff recommended two alternatives, one of them being that B3B zoning be granted approximately 1100 feet deep to line up with the bottom line of RA zoning to the west, and the remaining frontage upon Illinois (either side of O'Daniels parcel) could be zoned non-residential with a maximum depth of 525 feet from the centerline of Illinois.

The Plan Commission accepted the staff recommendation as a policy for future changes of zone and with applicants approval modified the O'Daniel's change of zone to reflect 1100 feet of depth and recommended this and certain other conditions to the City Council. However, the City Council inadvertently approved the change of zone for the original legal description.

We have talked with Wayne Witmer, O'Daniel's attorney, regarding this error and he is agreeable for us to start the process to revert the southern portion to its original R-1 zoning.

With this background, and with the proposed storage layout for the subject property under the proposed change of zone we would recommend the following:

Recommendation:

1. The west half of this rezoning petition not exceed a depth of 1101.75 feet from the centerline of Illinois Road and not exceed 255 feet in width. The east half of this petition not exceed a depth of 543 feet from the centerline of Illinois Road, and extend for the remaining width.
2. The change of zone be perfected to B-1-B. Under this zoning the storage facility would need a use variance from the Board of Zoning Appeals.
3. The access to this facility be from the frontage road in front of Citizens National Bank.

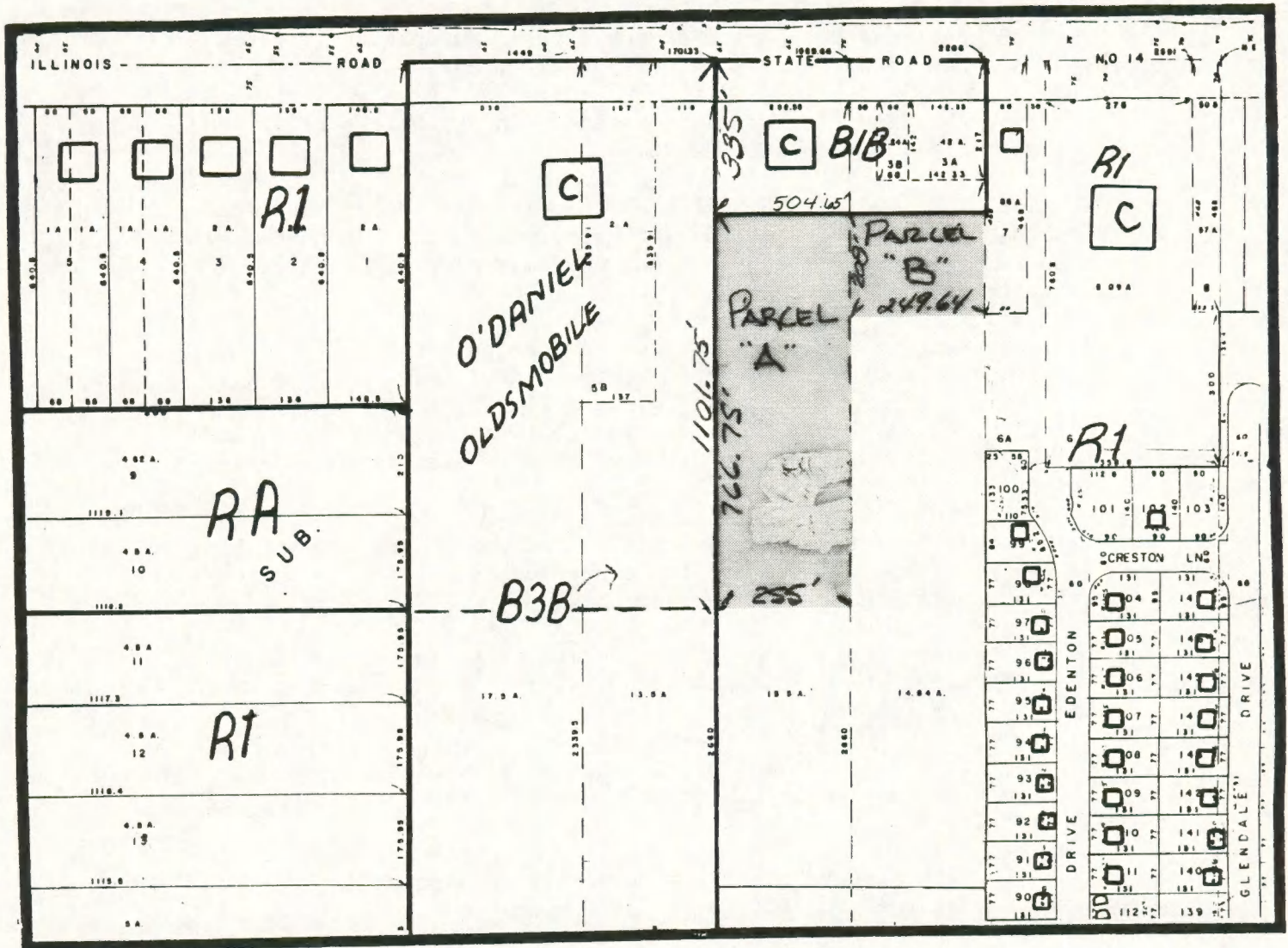
The following conditions should be addressed by and placed on the property by the Board of Zoning Appeals when a Use Variance is granted.

1. Provide a 30 foot landscape screen along those lot lines that abut residential districts.
2. The landscape screen shall be approved by CD&P prior to issuance of building permit.
3. Such landscape screen must be implemented within one planting season after the issuance of the occupancy permit.
4. Contribution to the cost of improvements of the Lawrence Drain is required.

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM AN R-1 DISTRICT TO A B3B DISTRICT.

MAP NO. E-2

COUNCILMANIC DISTRICT NO. 4



ZONING:

R1 RESIDENTIAL DISTRICT
B1B LIMITED BUSINESS 'B'
B3B GENERAL BUSINESS 'B'

LAND USE:

- ☐ SINGLE FAMILY
- ☒ COMMERCIAL

SCALE: N.T.S.

DATE: 10-6-86



RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on October 14, 1986, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-86-10-14; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on October 20, 1986.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held October 27, 1986.

Certified and signed this
1st day of December 1986.



Melvin O. Smith
Secretary



The City of Fort Wayne

LAND USE MANAGEMENT
Division of Community Development & Planning

1 December 1986

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946). The proposed ordinance is designated as:

BILL NO. Z-86-06-10 AS AMENDED

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
1st day of December 1986.

Melvin O. Smith
Secretary

Division of Community Development & Planning

FACT SHEET

4-00-00-10

BILL NUMBER

BRIEF TITLE

Zoning Ordinance Amendment

From RA to B-1-A

APPROVAL DEADLINE

REASON

DETAILS

Specific Location and/or Address

5812 Brandy Chase Cove

Reason for Project

A small retail center.

Discussion (Including relationship to other Council actions)

16 June 1986 - Public Hearing

Orrin Sessions representing the petitioner stated that the land in question is to be part of a project that is going to be a small retail center. He stated that the original zoning fronting on Maplecrest was the County equivalent of B-1-A that was obtained about 10 years ago. He stated in the meantime the County Surveyor redid the Pearson Drain, which runs to the north and west of the property in question. He stated that in doing so they left about 1/2 acre between the Pearson Drain on the back of the small retail center. He stated that what they were trying to do was make the usable land features line up with the zoning map. He stated that most of the land in question is covered by the drain with the exception of about 2/10ths of an acre where they intend to put the retail building. He stated that the land around the site is mostly developed. He stated that the Hollows Subdivision is to the north, the Regency Place Nursing Home is to the west, there are existing offices to the south and a restaurant to the north on the front and east of the property on Maplecrest Road is the Georgetown Square Shopping Center.

POSITIONS

RECOMMENDATIONS

Sponsor	City Plan Commission
Area Affected	City Wide Other Areas
Applicants/ Proponents	Applicant(s) Trans Am Development Corp City Department Other
Opponents	Groups or Individuals Basis of Opposition
Staff Recommendation	<input checked="" type="checkbox"/> For <input type="checkbox"/> Against Reason Against
Board or Commission Recommendation	By <input checked="" type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken <input type="checkbox"/> For with revisions to condition (See Details column for condition)
CITY COUNCIL ACTIONS (For Council use only)	<input type="checkbox"/> Pass <input type="checkbox"/> Other <input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold <input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pass

DETAILS

Mr. Sessions stated that they met with the Hollows Neighborhood Association and submitted two letters from the association as evidence ----- stating that they do not oppose the use of the land or the rezoning. He stated that they do have some concerns and said they would do their best to get back to the Hollows when they hire an architect. He stated that they want to make sure when they look at the development from the north, they do not want to look at lights or sanitaners. He stated they want to see some landscaping to the north and west and they told the Hollows they would accomodate that and would come back to them when the architectural work was complete. He stated that they did tell them that the back of the buildings would be cedar and earth tones. He stated that the parking lot lights would not glare in their neighborhood.

Ben Eisbart read the letter from the Hollows Neighborhood Association into the record endorsing the use of the property for a liquor store.

David Kiester said that it did not appear that there was any accomodation for drives behind the structures.

Mr. Sessions stated that one of the commitments to the neighborhood was that they would not have drives behind the building.

There was no one present who wished to speak in favor of or in opposition to the proposed rezoning.

23 June 1986 - Business Meeting - Case was deferred to July 28 Business Meeting

Project Start

Date 5-15-86

Projected Completion or Occupancy

Date 12-1-86

Fact Sheet Prepared by

Patricia Biancaniello

Reviewed by

Date

Greg Datta
Reference or Case Number

POLICY/ PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

(This space for further discussion)

28 July 1986 - Business Meeting

Motion was made to return the ordinance to the Common Council with a DO PASS recommendation with the following conditions

- 1) Retain the north 50 feet of the proposed change of zone area to RA.
- 2) Submit landscape plan for the north 50 feet and west 20 feet to CD&P for review and approval.
- 3) Approved landscape plan be implemented within one (1) planting season after the completion of construction on the subject property.
- 4) Landscaping be maintained to the satisfaction of CD&P.

Motion carried. Of the eight members present 7 voted in favor of conditional approval one did not vote.

The above stated conditions have been met. The ordinance has been amended to reflect the first condition and a landscape plan is on file and has been approved by the landscape architect.

Change of Zone #198

Proposal: Orrin Sessions, agent for Trans Am Development Corp.,
requests a change of zone from RA to B-1-A

Location: 6105 Brandy Chase Cove

Existing Zoning: RA

Size of Property: Approximately .58 Acres

Surroundings:	North	County	Residential
	South	B-1-A	Retail & Commercial
	East	B1A & B1B	Retail & Commercial
	West	RA	Nursing Home

Planning Staff Discussion:

This area is predominately a commercial strip located just north of the Maplecrest Road and State Street intersection.

The parcel located immediately to the east and zoned B-1-A is too narrow to be of such use. We feel that widening of that zoning to a certain extent as proposed is reasonable but the north 50 feet of this proposed area should be retained in residential to provide protection to existing residences to the north.

Recommendation: Conditional Approval

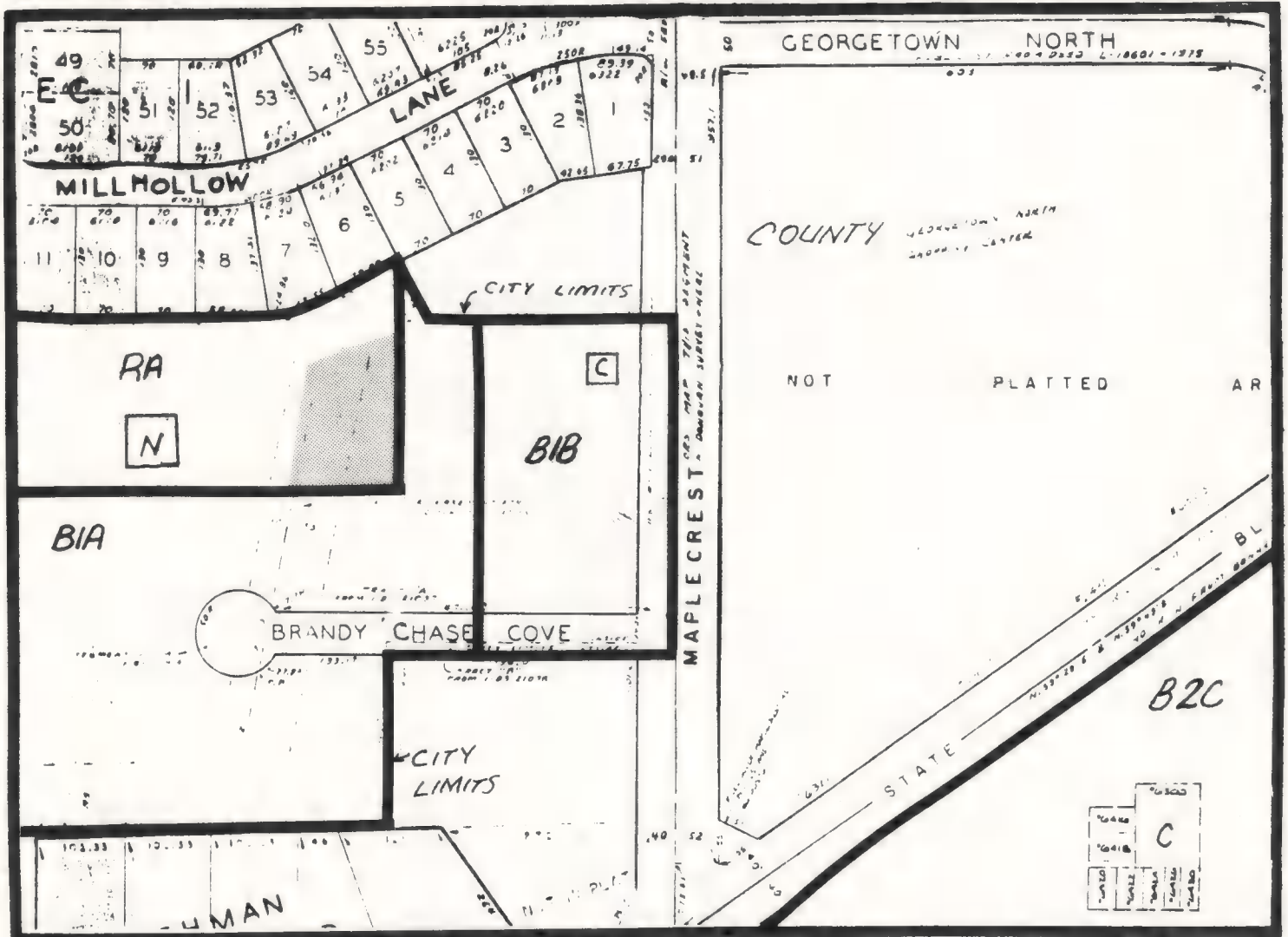
1. Retain North 50 feet of proposed change of zone area to RA - residential district.
2. Submit landscape plan for North 50 feet and west 20 feet to CD&P for review and approval.
3. Approved landscape plan be implemented within one (1) planting season after the completion of construction on the subject property.
4. Landscaping be maintained to the satisfaction of CD&P.

REZONING PETITION # 118

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM A RA DISTRICT TO A BIA DISTRICT.

MAP NO. LI-18

COUNCILMANIC DISTRICT NO. 2



ZONING:

BIA LIMITED BUSINESS 'A'
 BIB LIMITED BUSINESS 'B'
 RA RESIDENCE 'A'
 B2C METROPOLITAN SHOPPING CENTER

LAND USE:

[C] COMMERCIAL
 [N] NURSING HOME

SCALE: 1"=200'

48 DATE: 5-27-86



RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on June 10, 1986, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-86-06-10; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on June 16, 1986.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held June 23, 1986.

Certified and signed this
1st day of December 1986.



Melvin O. Smith
Secretary



The City of Fort Wayne
LAND USE MANAGEMENT
Division of Community Development & Planning

26 November 1986

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one
(1) ordinance concerning a street name change.

The proposed ordinance is designated as:

BILL NO. S-86-10-34

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
26th day of November 1986.

Melvin O. Smith
Secretary

Division of Community Development & Planning

FACT SHEET

S-86-10-34

BILL NUMBER

BRIEF TITLE

APPROVAL DEADLINE

REASON

Street Name Change

DETAILS

Specific Location and/or Address

Lewis Street

Reason for Project

To honor the late Dr. Martin Luther King, Jr. by changing Lewis Street in its entirety to Martin Luther King Avenue.

Discussion (Including relationship to other Council actions)

17 November 1986 - Public Hearing

Due to the length of discussion at the public hearing a copy of the minutes relating to the request is attached for your information.

24 November 1986 - Business Meeting

There was no recommendation from the City Plan Commission motion was as follows: "We do not feel that there are any significant planning issues involved here, and this determination should reflect some input from those who live and have businesses on Lewis Street." Motion carried. Of the seven members present 6 voted in favor of no recommendation one abstained.

POSITIONS

RECOMMENDATIONS

Sponsor

City Council

Area Affected

City Wide

Other Areas

Applicants/ Proponents

Applicant(s)
Martin Luther King
Memorial Committee
City Department

Other

Opponents

Groups or Individuals

Rosalyn Kepler

Basis of Opposition

-would discredit Samuel
Lewis, who street was
originally named after

Staff Recommendation

☐ For ☐ Against

Reason Against

Board or Commission Recommendation

By

☐ For ☐ Against

☒ No Action Taken

☐ For with revisions to condition
(See Details column for condition)

CITY COUNCIL
ACTIONS
(For Council
use only)

☐ Pass ☐ Other

☐ Pass (as
amended) ☐ Hold

☐ Council Sub. ☐ Do not pass

DETAILS

POLICY/PROGRAM IMPACT

Policy or
Program
Change

☐

No

☐

Yes

Operational
Impact
Assessment

(This space for further discussion)

Project Start

Date 28 October 1986

Projected Completion or Occupancy

Date 26 November 1986

Fact Sheet Prepared by

Date 26 November 1986

Patricia Biancaniello

Reviewed by

Date

Larry Baister

1 Dec 86

Reference or Case Number

1. Public Hearing on a Street Name Change

The name of Lewis Street in its entirety changed to Martin Luther King Avenue

Charles Redd, Councilman for the 1st district of the City of Fort Wayne. He stated that he received a request from the Martin Luther King Memorial Committee asking that I introduce legislation to change of the name of Lewis Street to Martin Luther King Avenue. He presented the Commission with a petition signed by the majority of the residents who live on Lewis Street supporting the name change. He stated that in addition to that he had the signatures and addresses of other citizens in various councilmanic districts who are also in support of the name change. He stated that he that know where in the city of Fort Wayne is there any ongoing memorial to commemorate a person that has provided such as outstanding contribution to this entire country, not only to the city of Fort Wayne as Dr. Martin Luther King. He stated that he would admit that there is a Martin Luther King Montessori School, a Martin Luther Drive that was recently annexed into the City. He pointed out that there is an East Wayne Street, South Wayne Street, California Avenue and California Drive all within the city limits. Mr. Redd stated that as a member of Council he only received one letter of opposition, unsigned.

Mel Smith questioned if the people in favor of this name change would consider having the name put on a new street instead of an established one, considering the cost that would be involved in such a name change.

Mr. Redd stated that they have taken a look at other streets, Baer Field Expressway, Hanna Street, Clinton, Lafayette, Washington, Pontiac Street and as far as cost effective, this is probably the most cost effective with the exception of the Baer Field Expressway which has no residents or businesses on that street. He stated that Lewis Street tends to be the most cost effective of all the streets that they have considered.

John Shoaff questioned if they had considered naming anything other than streets after Dr. King.

Mr. Redd stated that they had a suggestion that a church be named after him. He stated though that church's are named by the parishioners. He stated that he had the experience of trying the change the name of a park and was not very successful. He stated that there are only a few businesses and the effect upon them and the residents would not be too traumatic. He stated that there was one person who was verbally opposed to it and that was only because they did not want to write out Martin Luther King Avenue as a return address.

Edith Kenna questioned how many residents and businesses are on the street.

Mr. Redd stated that there are 7 businesses. He stated that there are no residents from Calhoun Street to Lafayette. He stated on the south side of the street there are 7 residences on the north side there 3 residences as you cross Lafayette on the south side you have the new Fort Wayne Community School Automotive Center, which has a Lafayette Street address, on the opposite side of the street there are only 3 residences. He stated from 705 E. Lewis all the way to 1637 E. Lewis you will find about 40 residences on the north side and about 55 on the south side.

John Shoaff questioned how seriously he took the notion that there are "fans" of Samuel Lewis.

Mr. Redd stated it was rather like Lawton Park. He stated he thought the people should be commended for taking an interest in the history of the city, the fact that Lewis Street is an east-west street is important, the fact that there are a number of monuments to people who have contributed significantly to history of the growth of this community is definitely important. He stated though that more importantly it isn't often that people have an opportunity to contribute to history and this is what is so important for the opportunity to change Lewis Street to Martin Luther King, because it is a contribution to the history of this country.

Ollis Purifoy, 1214 Eliza Street, an adjunct representative of the East Central Neighborhood Association also spoke in favor of the street name change. Mr. Purifoy stated that he felt the area is involved in the upkeep of its street. He stated that

this street in the next 10 to 15 years Lewis Street will be a main street leading toward downtown. He stated that Lewis Street has a multiplicity of nationalities live and will have to travel in order to work. He stated that he felt the changing of Lewis to Martin Luther King Avenue would be more of a tribute than some other street less traveled and less developed.

Rosalyn Kepler appeared before the Commission in opposition to the proposed change of name. She stated that she had presented the Commission with a letter prior to the hearing. She stated that she felt that it would be a discredit to Samuel Lewis, who the street was originally named after, to change the name of the street.

Ben Eisbart read the letter into the record:

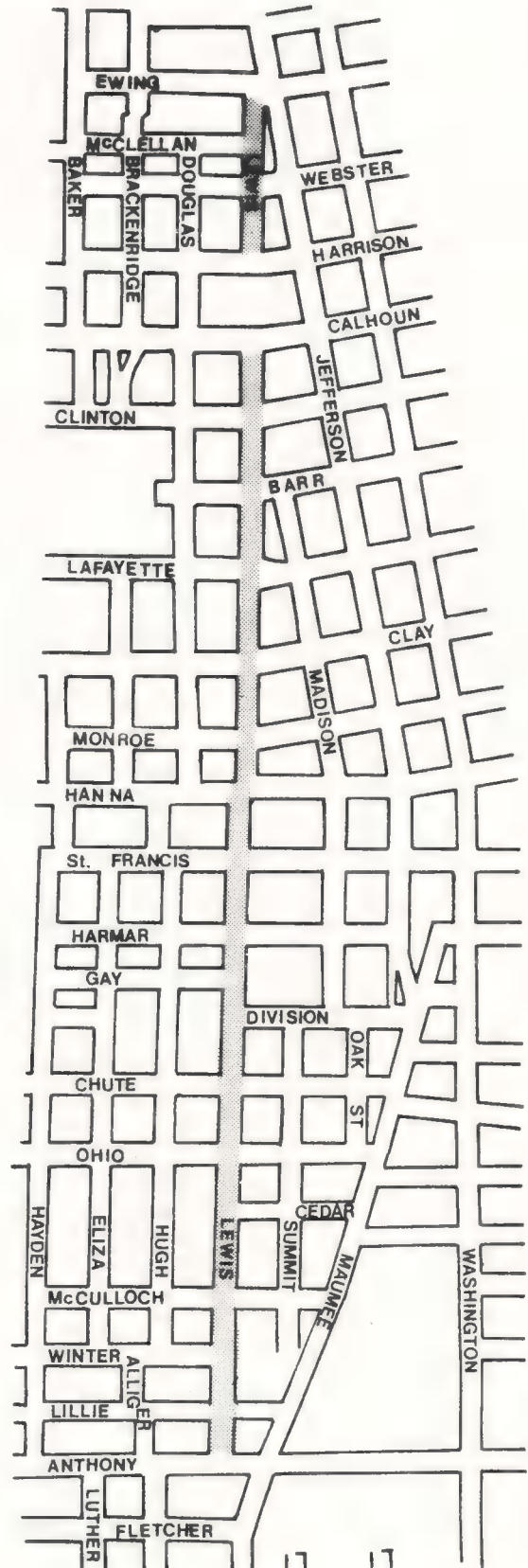
"This article is written by concerned citizens of Fort Wayne, INdiana who wish to preserve the history of the city.

In answer to Charles B. Redd's request to the City Council to change the name of Lewis Street to Martin Luther King Avenue, we suggest a new street be provided."

The letter was signed by Rosalyn Kepler and endorsed by 11 concerned citizens.

There was no one else present who wished to speak in favor of or in opposition to the proposed street name change.

PLAN COMMISSION



N

Petition: A change of name for Lewis Street

Location: Lewis Street from terminus to terminus

Background: Councilmember Charles B. Redd has introduced a petition to change the name of Lewis Street to MARTIN LUTHER KING AVENUE.

The reason for this request is to provide local recognition for a world leader, who was committed to human rights and non-violent social change.

Planning Staff Discussion:

Dr. King has been recognized for his great work in the area of human rights and brotherhood. He received the Noble Peace Prize, and has had a national holiday declared in his honor. Across the nation various schools and associations have changed names, or created honorariums in his name.

According to historical records Lewis Street was named after a local resident. Lewis Street was named for Major Samuel Lewis, who was the Land Commissioner appointed by John Quincy Adams in 1827. His wife was the daughter of Andrew Wallace, sister of Governor David Wallace, and aunt of General Lewis Wallace. (Wallace Street derives its name from that family also.)

There are 172 residential and 13 business properties on Lewis Street between Calhoun and Anthony and there are 2 vacant properties between Ewing and Harrison.

It should be pointed out that there is some public and private cost associated with a street name change in terms of street signs, address changes for stationary and educating patrons of businesses.

RECOMMENDATION: We do not feel that there are any significant planning issues involved here, and this determination should reflect some input from those who live and have businesses on Lewis Street.



The City of Fort Wayne

LAND USE MANAGEMENT
Division of Community Development & Planning

2 December 1986

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one
(1) ordinance concerning the vacation of a utility easement.

The proposed ordinance is designated as:

BILL NO. G-86-08-31

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
2nd day of December 1986.

Melvin O. Smith
Secretary

Division of Community Development & Planning

BRIEF TITLE

Utility Easement Vacation

APPROVAL DEADLINE

REASON

DETAILS

Specific Location and/or Address

Utility easement lying between Lot 85 &
Blk A in Winterset Addition, Section IV.

Reason for Project

To incorporate the easement as part of the
adjacent property owners lots.

Discussion (Including relationship to other Council actions)18 August 1986 - Public Hearing

Ronald Flohr, representing the petitioner
stated that Curtis Nold had purchased Lot 85
and half of Block A. Mr. Nold built a new
home on Lot 85 and would like to be able
to maintain the portion of Block A he pur-
chased as a "parkway". He stated that there
are nice ash trees in the strip. Mr. Flohr
stated that they are requesting the vacation
of the entire easement with the exception
of the end that intersects with the
easements on the front and rear.

There was no one present who wished to speak
in favor of or in opposition to the proposed
vacation.

25 August 1986 - Business Meeting

Motion was made to return the ordinance to
the Common Council with a DO PASS
recommendation, amending the petition to
delete the end portions of the easement.
Motion carried.

Of the 9 members present 8 voted in favor of
approval one did not vote.

POSITIONS

RECOMMENDATIONS

Sponsor

City Plan Commission

Area Affected

City Wide

Other Areas

**Applicants/
Proponents****Applicant(s)**

Curtis Nold
City Department

Other

Opponents**Groups or Individuals**

Basis of Opposition

**Staff
Recommendation**☒ For ☐ Against

Reason Against

**Board or
Commission
Recommendation****By**☒ For ☐ Against☐ No Action Taken

☐ For with revisions to conditio
(See Details column for conditio

**CITY COUNCIL
ACTIONS**
(For Council
use only)

☐ Pass ☐ Other☐ Pass (as amended) ☐ Hold☐ Council Sub. ☐ Do not pa

DETAILS

POLICY / PROGRAM IMPACT

Policy or
Program
Change

☐

No

☐

Yes

Operational
Impact
Assessment

(This space for further discussion)

Project Start

Date 10 July 1986

Projected Completion or Occupancy

Date 2 December 1986

Fact Sheet Prepared by

Date 2 December 1986

Patricia Biancaniello

Reviewed by

Date

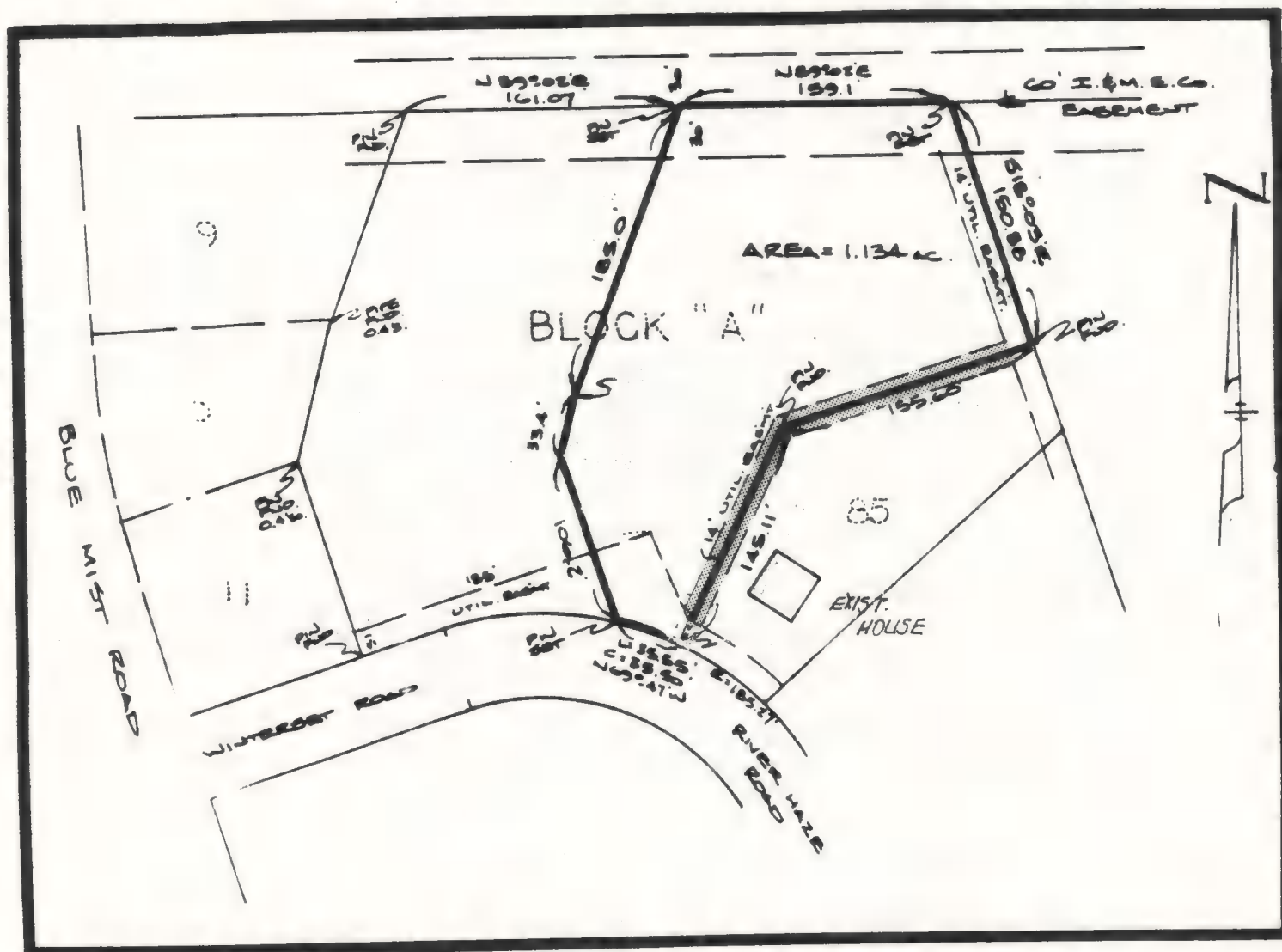
3 Dec. 1986

Patricia Biancaniello
Reference or Case Number

A PETITION TO VACATE THE DESCRIBED PUBLIC
UTILITY EASEMENT.

MAP NO. L-27

COUNCILMANIC DISTRICT NO. 5



ZONING:

LAND USE:

G-86-08-31 - AS AMENDED

SCALE: NOT TO SCALE

DATE: 7-30-86



Proposal: Curtis Nold requests the vacation of a 14 ft. utility easement.

Location: 6805 River Haze Road, along the west property line.

Legal: See file

Zoning: Does not apply

Land Area: Approximately 0.09 Acres

Reason for Request: To allow treatment of a large White Ash tree

Planning Staff Discussion:

We have no objection to this petition. This easement does not appear to be necessary to the future growth of the City, nor does it appear to have impact on any other property. However, the legal description provided covers this easement as it intersects with other easements at the front and rear property lines. We would recommend that the vacation petition be perfected to exclude the intersecting portions of other easements.

Recommendation: Approval, contingent upon the following:

- 1) subject to the petitioner granting easements as required by the utility companies.
- 2) petitioner to provide a new legal description that excludes the intersecting portions of other easements (at the NE and front property lines).

RESOLUTION

WHEREAS, CURTIS NOLD, has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated utility easement situated in Fort Wayne, Allen County, to-wit:

That portion of the utility easement, 14 feet in width, which lies 7 feet on each side of the boundary line between Lot #85 and Block "A" in Winterset, Section IV, an Addition to the City of Fort Wayne, Allen County, Indiana, exclusive of the utility easement along the Easterly line of said Lot #85 and said Block "A", and also exclusive of the utility easement along the Northeastly right-of-way line of River Haze Road, said portion being described as follows, to-wit:

Beginning on the Southeasterly line of said Block "A" at a point situated 15.0 feet, N 26 degrees 21 minutes E from the Southeast corner of said Block "A"; thence 22 degrees 52 minutes 40 seconds W, on and along the Easterly line of an existing utility easement, a distance of 9.24 feet; thence N 26 degrees 21 minutes E, a distance of 127.02 feet; thence N 71 degrees 57 minutes E, a distance of 144.54 feet to a point situated 14.0 feet Westerly of the Easterly line of said Block "A"; thence S 18 degrees 03 minutes E and parallel to said Easterly line, a distance of 14.0 feet; thence S 71 degrees 57 minutes W, a distance of 138.66 feet; thence S 26 degrees 21 minutes W, a distance of 127.29 feet to a point situated 15.0 feet (measured radially) Northeastly from the Northeastly right-of-way line of River Haze Road; thence Northwesterly, on and along the arc of a regular curve to the left, not tangent to the last course, having a radius of 200.27 feet and being concentric to said Northeastly right-of-way line, an arc distance of 7.0 feet, being subtended by a long chord having a length of 7.0 feet and a bearing of N 62 degrees 39 minutes W to the point of beginning

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-512; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on August 18, 1986, at 7:00 P.M. and at such hearing there were no objections of any kind or character which should prevent the vacation of said dedicated utility easement.

WHEREAS, said vacation of dedicated utility easement has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated utility easement hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated utility easement hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said dedicated utility easement or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any

said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said dedicated dedicated utility easement in Allen County, Indiana.

STATE OF INDIANA)

) SS:

COUNTY OF ALLEN)

I, Melvin O. Smith, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held August 20, 1986, and as the same appears of record in the official records of said Plan Commission.

DATED THIS 3 DAY OF December 1986

FORT WAYNE CITY PLAN COMMISSION

Melvin O. Smith
Melvin O. Smith, Secretary

RESOLUTION 77-8-10

WHEREAS, CURTIS NOLD, has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated utility easement situated in Fort Wayne, Allen County, to-wit:

That portion of the utility easement, 14 feet in width, which lies 7 feet on each side of the boundary line between Lot #85 and Block "A" in Winterset, Section IV, an Addition to the City of Fort Wayne, Allen County, Indiana, exclusive of the utility easement along the Easterly line of said Lot #85 and said Block "A", and also exclusive of the utility easement along the Northeasterly right-of-way line of River Haze Road, said portion being described as follows, to-wit:

Beginning on the Southeasterly line of said Block "A" at a point situated 15.0 feet, N 26 degrees 21 minutes E from the Southeast corner of said Block "A"; thence 22 degrees 52 minutes 40 seconds W, on and along the Easterly line of an existing utility easement, a distance of 9.24 feet; thence N 26 degrees 21 minutes E, a distance of 127.02 feet; thence N 71 degrees 57 minutes E, a distance of 144.54 feet to a point situated 14.0 feet Westerly of the Easterly line of said Block "A"; thence S 18 degrees 03 minutes E and parallel to said Easterly line, a distance of 14.0 feet; thence S 71 degrees 57 minutes W, a distance of 138.66 feet; thence S 26 degrees 21 minutes W, a distance of 127.29 feet to a point situated 15.0 feet (measured radially) Northeasterly from the Northeasterly right-of-way line of River Haze Road; thence Northwesterly, on and along the arc of a regular curve to the left, not tangent to the last course, having a radius of 200.27 feet and being concentric to said Northeasterly right-of-way line, an arc distance of 7.0 feet, being subtended by a long chord having a length of 7.0 feet and a bearing of N 62 degrees 39 minutes W to the point of beginning

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-512; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of dedicated utility easement has been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said dedicated utility easement hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said dedicated utility easement hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said portion of public street or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

STATE OF INDIANA)

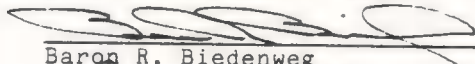
) SS:


COUNTY OF ALLEN)

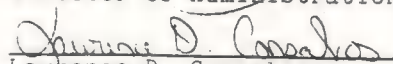
I, Baron R. Biedenweg, ~~Director~~ Director of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Public Works at their meeting held November 19, 1986 and as same appears of record in the official records of the Board of Public Works

DATED THIS 19th DAY OF November 1986

FORT WAYNE BOARD OF PUBLIC WORKS


Baron R. Biedenweg
Director of Public Works


Colette R. Simon
Director of Administration & Finance


Lawrence D. Consalvos
Director of Public Safety



The City of Fort Wayne
LAND USE MANAGEMENT
Division of Community Development & Planning

2 December 1986

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one
(1) ordinance concerning the vacation of a utility easement.

The proposed ordinance is designated as:

BILL NO. G-86-10-16

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
2nd day of December 1986.

Melvin O. Smith
Secretary

Division of Community Development & Planning

FACT SHEET

G-86-10-16

BILL NUMBER

BRIEF TITLE

APPROVAL DEADLINE

REASON

Utility Easement Vacation

DETAILS

Specific Location and/or Address

Easement platted in Fox Chase Condominiums

Reason for Project

To correct surveyor's error allowing for home to be built encroaching into easement.

Discussion (Including relationship to other Council actions)

20 October 1986 - Public Hearing

Terry Stauffer, stated that a residence was built on the property which encroached into the easement. He stated it was a surveyor's error and they were requesting the vacation of said easement in order to clear up the error. He stated that all of the utilities are in this area and even with this vacation there will remain a 40 foot surface drainage easement.

There was no one present who wished to speak in favor of or in opposition to the proposed vacation.

27 October 1986 - Business Meeting

Motion was made to return the ordinance to the Common Council with a DO PASS recommendation, motion carried.

Of the eight members present 7 voted in favor of the motion one did not vote.

POSITIONS

RECOMMENDATIONS

Sponsor

City Plan Commission

Area Affected

City Wide

Other Areas

Applicants/ Proponents

Applicant(s)

Chris Stauffer Homes

City Department

Other

Opponents

Groups or Individuals

Basis of Opposition

Staff Recommendation

☒ For

☐ Against

Reason Against

Board or Commission Recommendation

By

☒ For

☐ Against

☐ No Action Taken

☐ For with revisions to condition
(See Details column for condition)

CITY COUNCIL ACTIONS (For Council use only)

☐ Pass

☐ Other

☐ Pass (as
amended)

☐ Hold

☐ Council Sub.

☐ Do not pass

DETAILS

POLICY/PROGRAM IMPACT

Policy or
Program
Change

☐

No

☐

Yes

Operational
Impact
Assessment

(This space for further discussion)

Project Start

Date 18 September 1986

Projected Completion or Occupancy

Date 2 December 1986

Fact Sheet Prepared by

Date 2 December 1986

Patricia Biancaniello

Reviewed by

Date

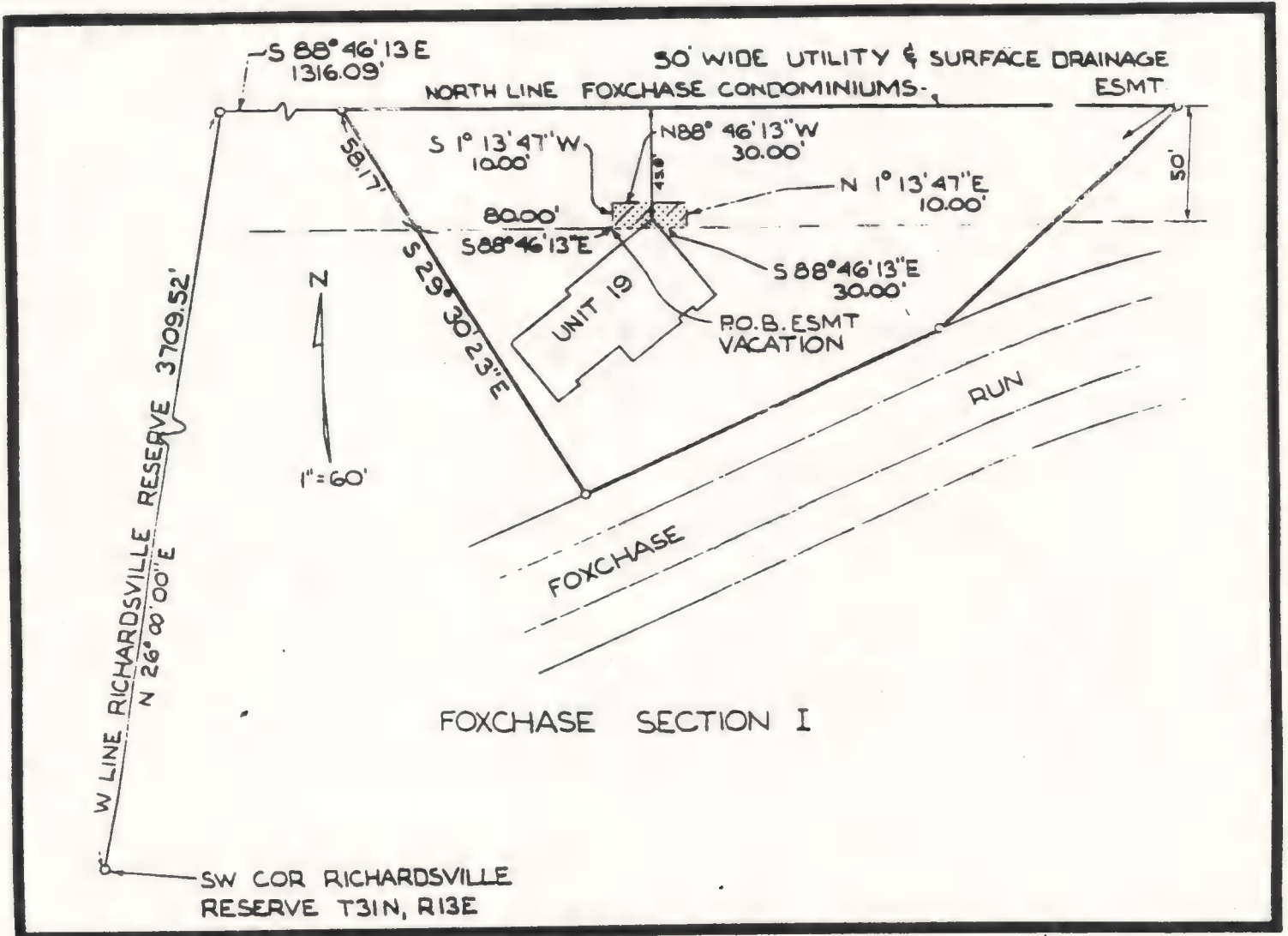
3 Dec. 1986

Reference or Case Number

A PETITION TO VACATE THE DESCRIBED PETITION
EASEMENT.

MAP NO. Q-42

COUNCILMANIC DISTRICT NO. 3



ZONING:

LAND USE:

SCALE: N.T.S.

15 DATE: 10-6-86



Vacation Petition #223

Proposal: Chris Stauffer, on behalf of Chris Stauffer Homes, Inc., requests the vacation of a portion of an easement.

Location: Foxchase Condominiums

Legal: See File

Zoning: Does not apply

Land Area: Approximately 300 Square Feet.

Surroundings: This request is located within a 50 Ft easement along the north property line of the Foxchase development.

Reason for Request: Due to a surveyors error a residential structure was constructed that encroaches into this easement.

Planning Staff Discussion:

The petitioner has represented that they are the only owners of abutting real estate, and that the utilities have all been installed. It would appear that no other person/s would have an interest in this petition.

A residential property has been constructed on this site, which encroaches the dedicated easement. This partial vacation will allow the petitioner to clear the title problem.

We have no objection to the petition, as it does not appear that this partial easement is necessary to continued growth, and due to the fact that the entire easement is 50 feet in width.

Recommendation: Conditional Approval, contingent upon the petitioner providing the utilities agree to relinquish the easement.

RESOLUTION 77-8-11

WHEREAS, CHRIS STAUFFER HOMES, has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following portion of a dedicated utility easement situated in Fort Wayne, Allen County, to-wit:

For the vacation of a portion of a fifty foot wide utility and surface drainage easement laying adjacent to and parallel with the North line of Fox Chase condominiums in a part of Richardsville Reserve in Township 31 North, Range 13 East, Allen County, Indiana, and bounded and described as follows: Commencing at the southwest corner of Richardsville Reserve in Township 31 North, Range 13 East; thence North 26 degrees 00 minutes 00 seconds East along the West line of said Reserve, 3709.52 feet; thence South 88 degrees 46 minutes 13 seconds East along the North line of Fox Chase, Section I, 1316.09 feet to the Northwest corner of the land being occupied by Unit 19 in Fox Chase; thence South 29 degrees 30 minutes 23 seconds East along the West line of the lands occupied by said Unit 19, 58.17 feet to a point on the South line of a fifty foot wide utility and surface drainage easement; thence South 88 degrees 46 minutes 13 seconds East along the South line of said easement 80.00 feet; thence South 88 degrees 46 minutes 13 seconds East, 30.00 feet; thence North 01 degrees 13 minutes 47 seconds East, 10.00 feet; thence North 88 degrees 46 minutes 13 seconds West, 30.00 feet; thence South 01 degrees 13 minutes 47 seconds West, 10.00 feet to the point of beginning of easement vacation.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-512; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of a portion of a dedicated utility easement has been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of a portion of dedicated utility easement hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

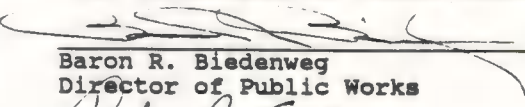
BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said portion of a dedicated utility easement hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said portion of utility easement or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

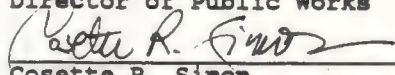
STATE OF INDIANA))
COUNTY OF ALLEN) SS:

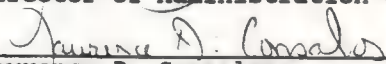
I, Baron B. Biedenknecht, ~~President~~ Director of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Public Works at their meeting held November 19, 1986 and as same appears of record in the official records of the Board of Public Works

DATED THIS 19th DAY OF November 1986

FORT WAYNE BOARD OF PUBLIC WORKS


Baron R. Biedenweg
Director of Public Works


Cosette R. Simon
Director of Administration & Finance


Lawrence D. Consalvos
Director of Public Safety

RESOLUTION

WHEREAS, CHRIS STAUFFER HOMES, has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following portion of a dedicated utility easement situated in Fort Wayne, Allen County, to-wit:

For the vacation of a portion of a fifty foot wide utility and surface drainage easement laying adjacent to and parallel with the North line of Fox Chase condominiums in a part of Richardsville Reserve in Township 31 North, Range 13 East, Allen County, Indiana, and bounded and described as follows: Commencing at the southwest corner of Richardsville Reserve in Township 31 North, Range 13 East; thence North 26 degrees 00 minutes 00 seconds East along the West line of said Reserve, 3709.52 feet; thence South 88 degrees 46 minutes 13 seconds East along the North line of Fox Chase, Section I, 1316.09 feet to the Northwest corner of the land being occupied by Unit 19 in Fox Chase; thence South 29 degrees 30 minutes 23 seconds East along the West line of the lands occupied by said Unit 19, 58.17 feet to a point on the South line of a fifty foot wide utility and surface drainage easement; thence South 88 degrees 46 minutes 13 seconds East along the South line of said easement 80.00 feet; thence South 88 degrees 46 minutes 13 seconds East, 30.00 feet; thence North 01 degrees 13 minutes 47 seconds East, 10.00 feet; thence North 88 degrees 46 minutes 13 seconds West, 30.00 feet; thence South 01 degrees 13 minutes 47 seconds West, 10.00 feet to the point of beginning of easement vacation.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-512; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on October 20, 1986 at 7:00 P.M. and at such hearing there were no objections of any kind or character which should prevent the vacation of said dedicated portion of utility easement.

WHEREAS, said vacation of dedicated portion of utility easement has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated portion of a utility easement hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated portion of utility easement hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said dedicated portion of utility easement or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said dedicated

portion of utility easement in Allen County, Indiana.

STATE OF INDIANA)

) SS:

COUNTY OF ALLEN)

I, Melvin O. Smith, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held October 27, 1986, and as the same appears of record in the official records of said Plan Commission.

DATED THIS 2 DAY OF December 1986

FORT WAYNE CITY PLAN COMMISSION

Melvin O. Smith
Melvin O. Smith, Secretary



The City of Fort Wayne
LAND USE MANAGEMENT
Division of Community Development & Planning

2 December 1986

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946). The proposed ordinance is designated as:

BILL NO. Z-86-11-26

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
2nd day of December 1986.

Melvin O. Smith
Secretary

Division of Community Development & Planning

FACT SHEET

2-00-11-20

BILL NUMBER

BRIEF TITLE

Zoning Ordinance Amendment

From R-2 to R-1

APPROVAL DEADLINE

REASON

DETAILS

Specific Location and/or Address

Block bounded by East State St. Bayer Avenue
Northwood Bl and St. Joe Bl.

Reason for Project

Downzoning to maintain the single family
residential character of neighborhood.

Discussion (Including relationship to other Council actions)

17 November 1986 - Public Hearing

Donald Edgar, 814 East State Street stated that when he purchased his property he was under the impression that the area was single family residential only. He stated that when he discovered it was not he decided to see if the block could be downzoned. He stated that this area has well maintained older homes and the effort to downzone is in order to maintain the single family residential character of the area. He stated that if these homes were to be converted to multi-family it would put a heavy traffic burden on the area.

Ray Racine with the Northside Neighborhood Association stated that they were in complete accord with the zoning change request. He did question if the staff had researched and was sure that they had the proper number of signatures for the request.

Staff stated they had checked and the petition was in order.

Ben Eisbart stated that he would like to

POSITIONS

RECOMMENDATIONS

Sponsor

City Plan Commission

Area Affected

City Wide

Other Areas

Applicants/ Proponents

Applicant(s)
Donald Edgar & area
property owners
City Department

Other

Opponents

Groups or Individuals

Basis of Opposition

Staff Recommendation

☒ For ☐ Against

Reason Against

Board or Commission Recommendation

By

☒ For ☐ Against

☐ No Action Taken

☐ For with revisions to condition
(See Details column for condition)

CITY COUNCIL ACTIONS (For Council use only)

☐ Pass ☐ Other

☐ Pass (as amended) ☐ Hold

☐ Council Sub. ☐ Do not pass

DETAILS

commend the neighborhood for moving in the direction of downzoning.

There was no one present who wished to speak in favor of or in opposition to the proposed rezoning.;

24 November 1986 - Business Meeting

Motion was made to return the ordinance to the Common Council with a DO PASS recommendation, motion carried.

Of the 7 members present 6 voted in favor of the DO PASS, one did not vote.

POLICY/ PROGRAM IMPACT

Policy or
Program
Change

☐

No

☐

Yes

Operational
Impact
Assessment

(This space for further discussion)

Project Start

Date September 25, 1986

Projected Completion or Occupancy

Date December 2, 1986

Fact Sheet Prepared by

Patricia Biancaniello

Date December 2, 1986

Reviewed by

Larry Butler
Reference or Case Number

Date

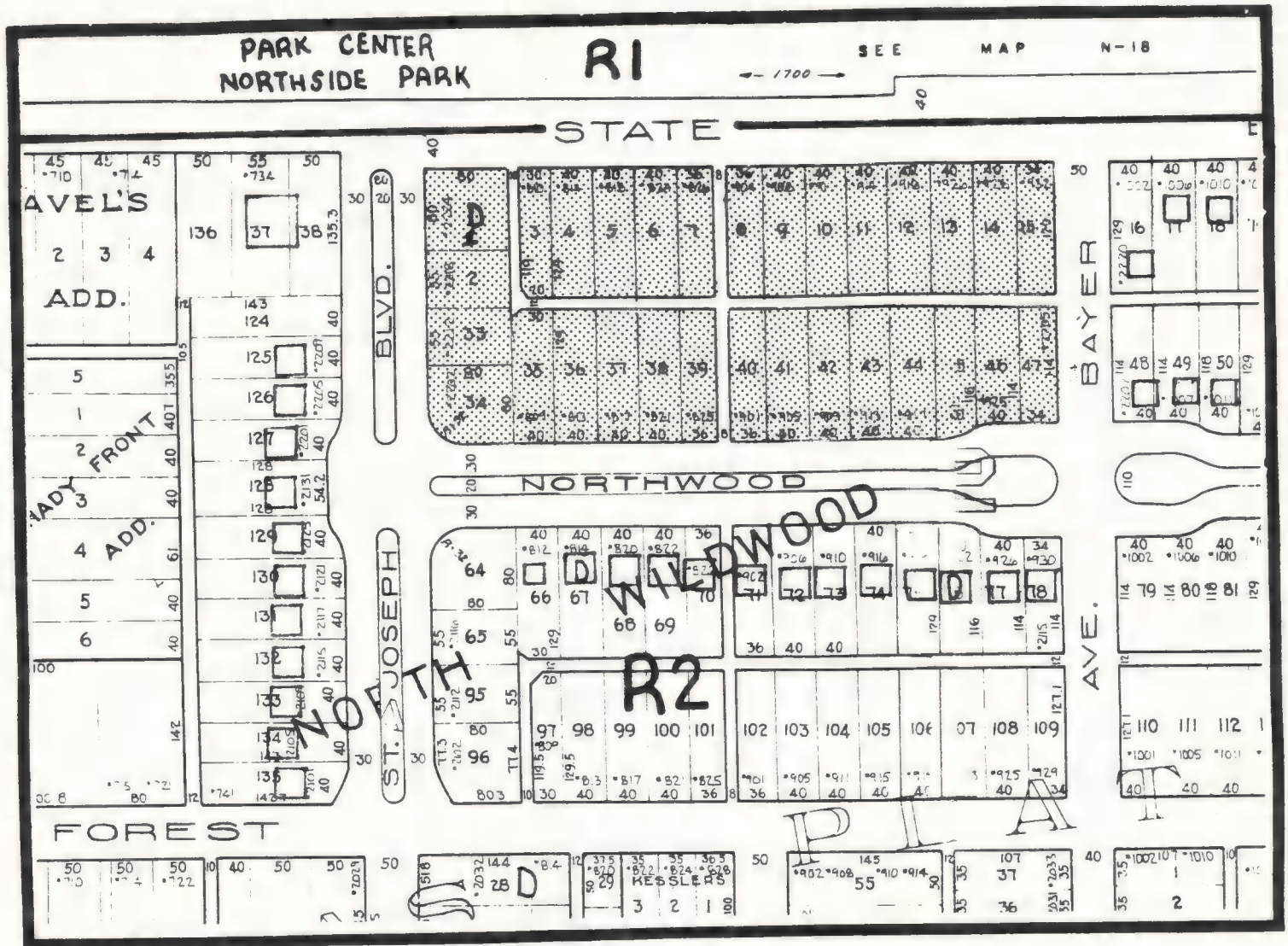
Dec. 2, 1986

REZONING PETITION 339

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM AN R2 TO AN R1 DISTRICT.

MAP NO. N-14

COUNCILMANIC DISTRICT NO. 3



ZONING:

LAND USE:

R1 RESIDENTIAL DISTRICT
R2 RESIDENTIAL DISTRICT

☐ SINGLE FAMILY
☒ DUPLEX

SCALE: 1" = 163'

DATE: 10-27-86



RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on November 25, 1986 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-86-11-26; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on November 17, 1986.


NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held November 24, 1986.

Certified and signed this
2nd day of December 1986.



Melvin O. Smith
Secretary

Rezoning Petition #229

Petitioners request a rezoning from R-2 to R-1

Location: The area bounded by State and Northwood and between Bayer and St. Joseph Blvd.

Legal: Lots 1 thru 15 and 33 thru 47 in North Wildwood Addition.

Zoning: R-2

Land Area: Approximately 97,200 Sq. Ft.

Surroundings: North R-1 Park Center / Northside Park
South R-2 primarily SFR
East R-2 SFR
West R-1 SFR

Reason for Request: Downzoning

Comprehensive Plan: The General Land Use policies of the Comprehensive Plan state that rezoning proposals should be compatible with existing and planned land uses and should not establish an undesirable precedent in the area. The goal in the Middle Ring, where this request is located, is to maintain investments and prevent deterioration in the existing neighborhoods.

Planning Staff Discussion:

The primary use of land in the immediate area is predominately for single family residential development. The land in this area (south of State Blvd.) is zoned R-2, but the planning staff believes that this is an area that should be considered by the Commission for possible downzoning in connection with the proposed zoning ordinance revisions.

This request is within the policies set forth by the Comprehensive Plan, and should aid in the maintaining of property values in the area. Additionally, rezoning this parcel, due to its frontage along State Blvd., will solidify the Commissions intent to discourage commercial development and/or intensification of uses in this area.

Recommendation: Do Pass

- 1) Approval will be within the guidelines of the Comprehensive Plan
- 2) Approval will strengthen the existing neighborhood character.



The City of Fort Wayne

LAND USE MANAGEMENT

Division of Community Development & Planning

2 December 1986

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

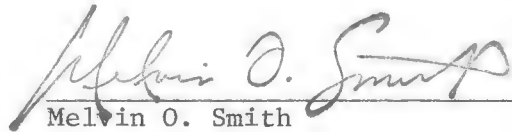
Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946). The proposed ordinance is designated as:

BILL NO. Z-86-11-25

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
2nd day of December 1986.


Melvin O. Smith
Secretary

Division of Community Development & Planning

BRIEF TITLE

APPROVAL DEADLINE

REASON

Zoning Ordinance Amendment
From R-2 to R-3

DETAILS

Specific Location and/or Address

2713, 2717, 2719, 2721 & 2727 So Lafayette
& 415 East Leith

Reason for Project

Multi-Family Development

Discussion (Including relationship to other Council actions)

17 November 1986 - Public Hearing

Tim Junk, attorney, stated that the petitioners seek to have the rezoning for two reasons. He stated that first they would like to renovate and remodel an existing house at 415 East Leith, which is currently a duplex, into a tri-plex. He stated that the second purpose is to tentatively develop the vacant lot, known as Lot #17, 2727 So. Lafayette, into a multi-family apartment building. He stated that he would point out that the Comprehensive Plan encourages this type of investment in this neighborhood. He stated that this is one of the older city neighborhoods and designated in the Comp Plan as the central area of the city. He stated that while most of Allen County will be increasing in population this is an area for which an increase in population is not projected. He stated that the median housing value is below the city ranges, more than 20% of the household is below the median income and according to the Comp Plan this is an area of substantial unemployment. He stated that the petitioners seek the rezoning in order to invest in this area. He stated the planning staff report states that the proposal does appear to meet the criteria of the Comp Plan on the overall intent of the plan for the general area, nonetheless the planning staff recommended a Do Not Pass because the property happens to fit within the Oxford Neighborhood Plan. The Oxford Neighborhood Plan favors single family houses or in the northwest corner they have some duplexes. He stated that this is in the northwest corner of the Oxford Neighborhood. He stated that immediately north of this property is B-1-B zoning. He stated that if you go up and down Pontiac Street you can get multi-family zoning, you can get more B-1-B, R-2 as well as general business zoning. He stated that while technically within the Oxford Neighborhood the general character there is not as strongly single family as most of the Oxford Neighborhood. He stated that the impact of this zoning on the Oxford Neighborhood would not be great. He stated that this property sets on Lafayette Street one of the main thoroughfares in town. He stated that this is not a property, which under the current zoning is favorable to development, which is why they are seeking rezoning. He stated that finally the staff report cites the traffic on Lafayette Street as a reason for denying the request. He stated in the Comp Plan on pages 53 and 54 they talk about traffic in the central neighborhoods, the recommendation for reducing the impact of major thoroughfares on residential properties, center on rerouting the traffic to alternative routes; encouraging the use of mass transit and carpooling. He stated that in essence the Comp Plan does not deal with the traffic problem by denying the change of zoning, the Comp Plan deals with the traffic problem by suggesting alternative routes or means of redirecting traffic.

POSITIONS

RECOMMENDATIONS

Sponsor	City Plan Commission
Area Affected	City Wide Other Areas
Applicants/ Proponents	Applicant(s) City Department Other
Opponents	Groups or Individuals Basis of Opposition
Staff Recommendation	<input type="checkbox"/> For <input checked="" type="checkbox"/> Against Reason Against -spot zoning -adverse impact on area
Board or Commission Recommendation	By <input type="checkbox"/> For <input checked="" type="checkbox"/> Against <input type="checkbox"/> No Action Taken <input type="checkbox"/> For with revisions to condition (See Details column for condition)
CITY COUNCIL ACTIONS (For Council use only)	<input type="checkbox"/> Pass <input type="checkbox"/> Other <input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold <input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pass

DETAILS

Edith Kenna questioned what was presently on the properties involved.

Mr. Junk stated that on 415 E. Leith there is a house they wish to renovate into a tri-plex; on Lot #14 a garage; a residence on 2717, 2719 So Lafayette and another residence, he thought on 2716 So Lafayette. He stated the only proposal presently would be to renovate 415 E. Leith Street and possibly building an apartment on Lot #17. He stated that in contacting the adjacent property owners they asked to be included in the request simply to reserve their option in the future to make their properties into tri-plexes as well.

Edith Kenna asked if all of the properties were currently occupied.

Mr. Junk stated he believed so.

Mel Smith questioned what they would have for parking for the proposed apartments.

Mr. Junk stated they have no specific plans for the properties. However, he has advised his client that they will have to comply with the parking regulations and the other provisions of the building code if rezoned.

There was no one present who wished to speak in favor of or in opposition to the proposed rezoning.

24 November 1986 - Business Meeting

Motion was made to return the ordinance to the Common Council with a DO NOT PASS recommendation, motion carried.

Of the seven members present 6 voted in favor of denial, one did not vote.

POLICY/PROGRAM IMPACT

Policy or
Program
Change

☐ No

☐ Yes

Operational
Impact
Assessment

(This space for further discussion)

Project Start

Date 17 October 1986

Projected Completion or Occupancy

Date 2 December 1986

Fact Sheet Prepared by

Patricia Biancaniello

Date 2 December 1986

Reviewed by

Gary Baer
Reference or Case Number

Date

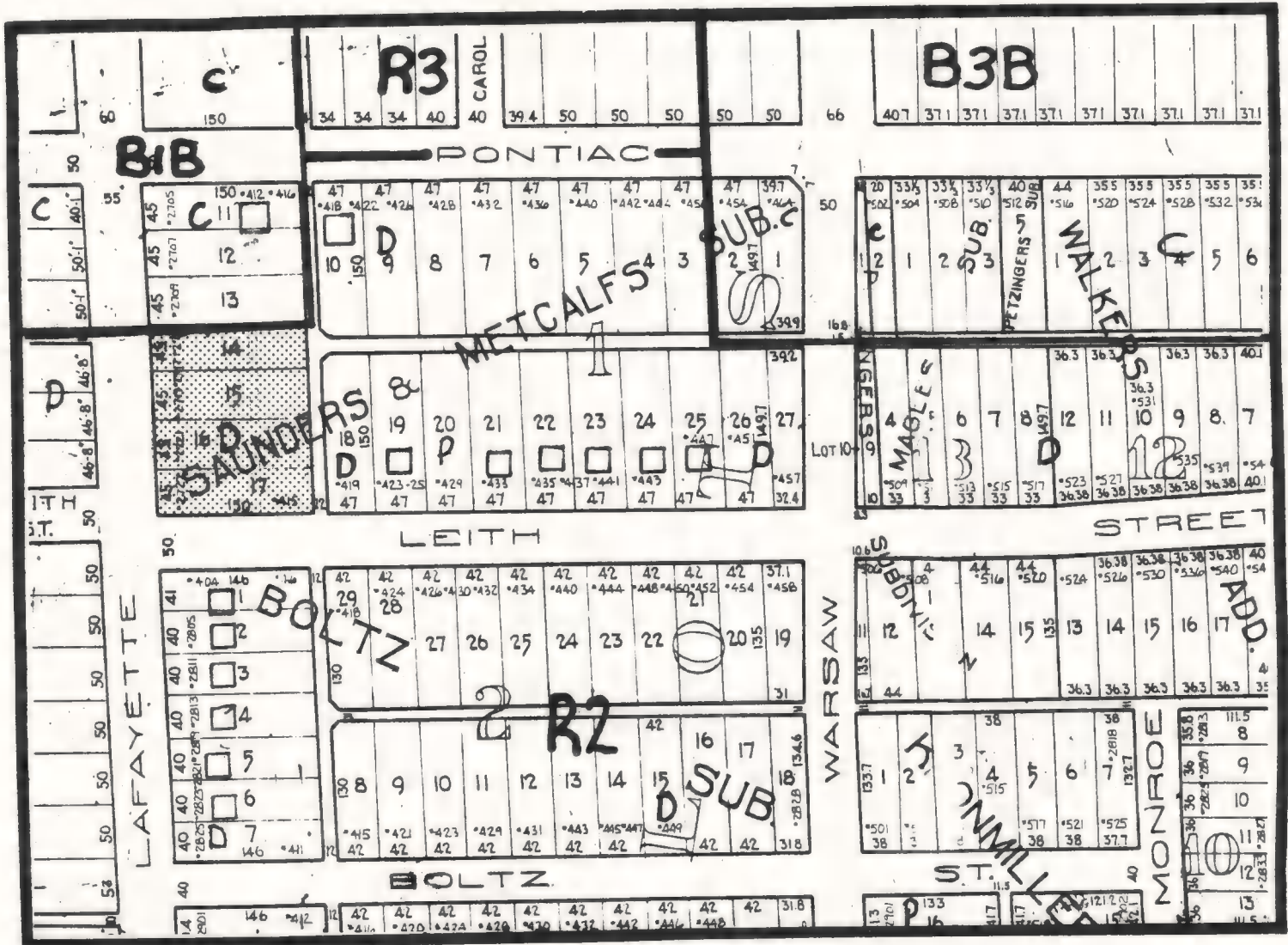
5 Dec. 1986

REZONING PETITION 331

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM AN R2 TO AN R3 DISTRICT.

MAP NO. N-7

COUNCILMANIC DISTRICT NO. 5



ZONING:

R2 RESIDENTIAL DISTRICT
R3 RESIDENTIAL DISTRICT
B1B LIMITED BUSINESS 'B'
B3B GENERAL BUSINESS 'B'

LAND USE:

□ SINGLE FAMILY
D DUPLEX
C COMMERCIAL
P PUBLIC-CHURCH

SCALE: 1"=163'

22

DATE: 10-24-86



RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on November 25, 1986 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-86-11-25; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on November 17, 1986.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation based on the Commission's following "Findings of Fact".

(1) the grant will be injurious to the public health, safety, morals and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will be affected in a substantially adverse manner;

(3) the need for the rezoning does not arise from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

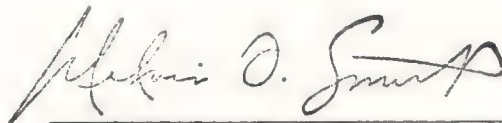
(4) the strict application of the terms of the zoning ordinance will not constitute an unusual and unnecessary hardship to this property;

(5) the grant interferes substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held November 24, 1986.

Certified and signed this
2nd day of December 1986.



Melvin O. Smith
Secretary

Rezoning Petition #231

Eugene and Marsha Brooks, and James and Lucile Williams, Sr.
request a change of zone from R-2 to R-3.

Location: 2713-17-19-21-27 South Lafayette and 415 Leith

Legal: See file

Zoning: R-2

Land Area: Approximately 27,000 Sq.Ft.

Surroundings:	North	B-1-B	Commercial
	South	R-2	Residential
	East	R-2	Residential
	West	R-2	Residential

Reason For Request: Potential Multi-Family

Comprehensive Plan: The General Land Use policies of the Comprehensive Plan state that rezoning proposals should be compatible with existing and planned land uses and should not establish an undesirable precedent in the area. The main goals in the Central Area, where this request is located, are to:

- 1) maintain existing development;
- 2) halt deterioration, and;
- 3) to encourage reinvestment.

Neighborhood Plan: The location of this rezoning petition is within the area identified in the Oxford Neighborhood Plan. The plan states, "In general, the Plan for Oxford stresses the single-family residential character of the neighborhood, especially where home ownership is high and housing conditions are good. Duplexes should be allowed to develop in order to respond to the need for good rental housing, but only in those portions of the neighborhood appropriate for two family living, such as the northwest (petition location), where there is already a higher concentration of rental housing. Additional multi-family uses, such as apartments, should be discouraged from developing anywhere in the Oxford Neighborhood."

Planning Staff Discussion:

This petition does not appear to be consistent with the established goals of the Oxford Neighborhood Plan, but does

appear to meet the criteria of the Comprehensive Plan, on the over-all intent of that plan for the general area. However, we do have some difficulty with recommending an approval of the petition. The primary development in the immediate area is single family residential, with a few duplex uses scattered about. Obviously the intent of the Oxford Neighborhood Plan is to prevent or discourage the development of multi-family tri-plex uses.

Additionally, the Comprehensive Plan indicates that the impact of major thoroughfares upon residential property, and on neighborhood development should be reduced when possible. Approving a rezoning petition that would allow additional multi-family development would be contrary to that philosophy.

Recommendation: Do Not Pass

- 1) Approval would constitute spot zoning.
- 2) Approval and subsequent development and conversion to multi-family would adversely impact surrounding area.
- 3) Approval would encourage a more intense development pattern, contrary to both the Comprehensive and Oxford Neighborhood Plans.

SAM TALARICO

President of the Common Council
City of Fort Wayne, Indiana

Gentlemen and Mrs. Bradbury:

Attached herewith are authenticated copies of the Board of
Public Safety Regulatory Resolution Numbers: 191/86/E
192/86/E

For the purpose of enforcement, please make this communication
and the attached Regulatory Resolutions a matter of record and
incorporate them into the minutes of the next Common Council
Meeting.

Respectfully Submitted,

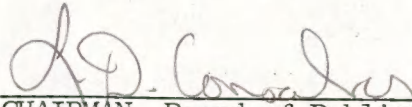
A handwritten signature in cursive script, appearing to read "Lawrence D. Consalvos".

Lawrence D. Consalvos, Chairman
Board of Public Safety

R E T U R N C E R T I F I C A T E

(Regulatory Resolution No. 191/86/E
192/86/E)

I hereby certify that I did this 24th day of
November, 1986 deliver to each, the City Traffic
Engineer, the Chief of Police, the City Attorney, the City
Clerk and the President of the Common Council of the City
of Fort Wayne, Indiana respectively, a copy of the within
Regulatory Resolution No. 191/86/E
192/86/E of the Board of Public
Safety of the City of Fort Wayne, duly certified by me as
Chairman of said Board, in accordance with the provisions
of Section 17-4 of Chapter 17, of the Code of the City of
Fort Wayne, Indiana 1986.



CHAIRMAN, Board of Public Safety

REGULATORY RESOLUTION NO. 191/86/E

(Adopted November 21, 19 86)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986 authorizes the Board of Public Safety to make temporary or experimental regulations to cover special conditions; and,

WHEREAS, a special condition has arisen justifying the Temporary Experimental Regulation hereinafter ordered, with regard to THRU STREET (EMERGENCY)

_____: AND,

WHEREAS, the City Traffic Engineer has, by written memorandum dated November 19, 19 86, submitted to this Board his advice with regard to the regulation herein adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority granted to this Board by Section 17-4 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986 to make temporary or experimental regulations to cover special conditions, it is hereby ordered, effective

November 21, 19 86, and for a period of sixty (60) days thereafter, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

THRU STREET (EMERGENCY)

Cook Road -- thru street -- from Auburn Road to the west city limits except at Coldwater Road and the Schools Drive (at the entrance to Lincoln and Shawnee Schools)

REGULATORY RESOLUTION NO. 192/86/E

(Adopted November 21, 19 86)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986 authorizes the Board of Public Safety to make temporary or experimental regulations to cover special conditions; and,

WHEREAS, a special condition has arisen justifying the Temporary Experimental Regulation hereinafter ordered, with regard to IMPAIRED MOBILITY PARKING (COMMERCIAL) (EMERGENCY)

_____: AND,

WHEREAS, the City Traffic Engineer has, by written memorandum dated November 21, 19 86, submitted to this Board his advice with regard to the regulation herein adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority granted to this Board by Section 17-4 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986 to make temporary or experimental regulations to cover special conditions, it is hereby ordered, effective

November 21, 19 86, and for a period of sixty (60) days thereafter, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

IMPAIRED MOBILITY PARKING (COMMERCIAL) (EMERGENCY)

1300 S. Harrison Street — west side — from 30' south of Douglas Ave. to 20' south thereof
(Meter #1302)